

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION


UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-99-06
	§	
GASTON CHARLES, JR.	§	

OPINION AND ORDER

On June 22, 2006, the United States Magistrate Judge issued a Report and Recommendation which re-characterized the “ Motion to Eliminate Enhancements and Reduce Sentence” of Gaston Charles, Jr., as one brought under 28 U.S.C. § 2255 and recommended its dismissal. Following the issuance of the Report and Recommendation, Charles filed a “ Motion to Withdraw the Motion to Eliminate Enhancements and Reduce Sentence.” Under the circumstances Charles’ Motion to Withdraw (Instrument no. 44) is **GRANTED**.

It is, therefore, **ORDERED** that Charles’ re-characterized Motion under 28 U.S.C. § 2255 (Instrument no. 42) is **DISMISSED without prejudice** to Charles’ ability, if any, to pursue a future initial § 2255 Motion.

DONE at Galveston, Texas, this 21st day of July, 2006.



Samuel B. Kent
United States District Judge